

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Hobart P. Drake,) C/A No. 6:09-908-JFA-WMC
)
 Plaintiff,)
 v.) ORDER
)
 Sgt. Scott Jones; Sgt. Brian Taylor;)
 Officer Natasha Alston; Officer Harry)
 Perez; Two Officers as John Doe, et al.;)
 official and individual capacity,)
)
 Defendants.)
)

The plaintiff has moved to compel responses to interrogatories propounded to the defendants, and the defendants have responded in writing. The matter thus appears to be ripe for this court's review.

It appears from the papers submitted that the defendants have already filed affidavits setting out in detail their version of the events in question. Many of the interrogatories for which answers are sought relate directly to information contained in the affidavits. Accordingly, the court determines that the furnishing of these affidavits suffices to answer most of the interrogatories that have been submitted.

After reviewing the positions of the respective parties in this matter, the court grants the defendant's motion to compel in part and orders as follows:

Interrogatories to Defendant Alston

Defendant Alston is required to answer the following interrogatories: 2, 11, 12, and

13. The court finds that all of the remaining interrogatories either seek to elicit information that is not relevant or reasonably calculated to lead to the discovery of relevant information. Moreover, much of the information sought in the remaining interrogatories is covered by the defendant's affidavit.

Interrogatories as to Defendant Perez

Defendant Perez is required to respond to the following interrogatories: 2, 10, and 12. The remaining interrogatories are either not relevant or covered by the defendant's affidavit.

Interrogatories as to Defendant Jones

Defendant Jones is required to answer the following interrogatories: 2, 5, 6, 7, 8, 9, and 10. The remaining interrogatories either seek irrelevant information or are covered by the defendant's affidavit.

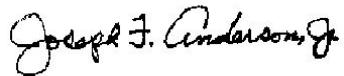
Request for Production

The defendants have responded to each and every request for production with an identical response which reads: "Other than the records that have been filed in this case and those that have been provided by plaintiff, these defendants are not in possession of any materials responsive to this request."

The court is prepared to accept this response, with the clear understanding that the defendants will not be able to introduce any documents beyond those described in the defendants' response to the request for production. Moreover, in an effort to avoid any misunderstanding or disruption at trial, the defendants are requested to immediately file with the court all documents referred to in their response to the Requests for Production, Bates

numbered, so that a complete record will be made of the exhibits that might potentially be used by the defendants in this case.

IT IS SO ORDERED.



June 1, 2010
Columbia, South Carolina

Joseph F. Anderson, Jr.
United States District Judge